

Olen-Keth Guiab, #12973  
MALCOLM ♦ CISNEROS, A Law Corporation  
608 South 8th Street  
Las Vegas, Nevada 89101  
(702)382-1399 Phone  
(702)382-0925 Fax

E-filed: November 15, 2013

Attorneys for Secured Creditor,  
Bank of America, N.A.

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA  
LAS VEGAS DIVISION**

In re:

Suratvadee ROUNGPET

Debtor.

Bankruptcy Case No. 11-25836-led

Chapter 13

**OBJECTION TO CONFIRMATION OF  
CHAPTER 13 PLAN**

CONFIRMATION HEARING:

DATE: November 25, 2013

TIME: 1:30 pm

CTRM: 3

**TO THE HONORABLE LAUREL E. DAVIS, UNITED STATES BANKRUPTCY COURT  
JUDGE, THE CHAPTER 13 TRUSTEE, THE DEBTOR, AND THE DEBTOR'S COUNSEL:**

Bank of America, N.A. ("BANA") is the holder of a secured claim recorded against property in which the Debtor claims an interest. BANA is, therefore, a party in interest and has standing to object to the Debtor's Chapter 13 Plan.

Bank of America, N.A. is the holder of a claim secured only by a security interest in real property commonly known as 1394 October Oak Avenue, Las Vegas, NV 89123, which is the Debtor's principal residence. The total amount due and owing under the Promissory Note is \$278,665.80 and the pre-petition arrearage amount owed is \$85,733.32. A true and correct copy of BANA's Proof of Claim is attached as Exhibit "1." Section 1322(b)(2) of the U.S. Bankruptcy Code

1 provides, in relevant part, as follows:

2 (b) Subject to subsections (a) and (c) of this section, the plan may--

3 . . .

4 (2) modify the rights of holders of secured claims, other than a claim secured only  
5 by a security interest in real property that is the Debtor's principal residence

6 . . .

7 (5) notwithstanding paragraph (2) of this subsection, provide for the curing of  
8 any default within a reasonable time and maintenance of payments while the case  
9 is pending on any unsecured claim or secured claim on which the last payment is  
10 due after the date on which the final payment under the plan is due; . . .

11 The Debtor's Plan does not provide for the curing of the pre-petition arrearages owed to  
12 BANA. As the Debtor's Plan does not provide for the cure of the pre-petition arrearages owed, the  
13 Debtor's Plan is infeasible and does not satisfy §1322(b)(5). While the Debtor's Plan indicates that  
14 the Debtor will move to value the property and reduce BANA's secured claim, as of November 14,  
15 2013 no such motion has been filed. Since BANA is the holder of a secured claim and the Plan does  
16 not propose to pay BANA's claim in full, the Plan does not satisfy 11 U.S.C. §1325(a)(5)(B).

17 Based on the foregoing, BANA respectfully requests that the Court deny confirmation of  
18 the Debtor's Chapter 13 Plan or order that the Plan be amended to provide for full payment of  
19 BANA's pre-petition arrearages and provide that all monthly mortgage payments that become due  
20 and payable post-petition shall be paid outside the Plan directly to BANA according to the terms of  
21 the Note and Deed of Trust.

22  
23 DATED: November 15, 2013

Respectfully Submitted,

24 MALCOLM ♦ CISNEROS, A Law Corporation

25  
26 */s/ Olen-Keith Guiab*

27 Olen-Keith Guiab  
28 Attorneys for Secured Creditor,  
Bank of America, N.A.

**PROOF OF SERVICE**

STATE OF CALIFORNIA )  
 )  
 COUNTY OF ORANGE ) ss.

I am employed in the County of Orange, State of California. I am over the age of eighteen and not a party to the within action; my business address is: 2112 Business Center Drive, Second Floor, Irvine, CA 92612.

On November 15, 2013, I served the following document described as **OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN** on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at Irvine, California (**and via telecopy or overnight mail where indicated**), addressed as follows:

**Debtor**

Suratvadee ROUNGPET  
 1394 October Oak Ave  
 Las Vegas, NV 89123

**Debtor's Attorney**

Corey B. Beck  
 425 South 6th Street  
 Las Vegas, NV 89101

**Chapter 13 Trustee**

Kathleen A. Leavitt  
 201 Las Vegas Blvd., So. #200  
 Las Vegas, NV 89101

I declare under penalty of perjury that the foregoing is true and correct.  
 Executed on November 15, 2013 at Irvine, California.

/s/Michael Levine  
 Michael Levine